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Innova Imports LLC (d/b/a Trendy Home Goods)*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SEATRIEVER INTERNATIONAL
HOLDINGS LTD.,

Docket No. 18-cv-07687 (VSB)

Plaintiff,

-against-

ANSWER TO
AMENDED COMPLAINT

INNOVA IMPORTS LLC, TRENDY HOME
GOODS, INC., ICA DEALS, LLC, and
DOES 1-10,

Defendants.

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Defendant, INNOVA IMPORTS LLC (d/b/a TRENDY HOME GOODS) incorrectly named as TRENDY HOME GOODS INC., by its attorneys, The Law Firm of Adam C. Weiss, PLLC, hereby answers the First Amended Complaint in the above-captioned matter as follows:

1. Paragraph 1 constitutes Plaintiffs' statement of the basis for its case and further states a legal conclusion to which no response is required. To the extent that any response may be required, the allegations of Paragraph 1 are denied.

2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2, and the same are therefore denied.

3. Defendant is without knowledge or information sufficient to form a belief as to

the truth of the allegations of Paragraph 3, and the same are therefore denied.

4. Admitted.

5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5, and the same are therefore denied.

6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6, and the same are therefore denied.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7, and the same are therefore denied.

JURISDICTION AND VENUE

8. Paragraph 8 constitutes Plaintiffs' allegation as to subject matter jurisdiction over this case to which no response is required.

9. Paragraph 9 constitutes Plaintiffs' allegation as to subject matter jurisdiction over this case to which no response is required.

10. Denied.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 11, and the same are therefore denied.

12. Denied.

13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 13, and the same are therefore denied.

14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 14, and the same are therefore denied.

15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15, and the same are therefore denied.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 16, and the same are therefore denied.

17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 17, and the same are therefore denied.

18. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 18, and the same are therefore denied.

19. Denied

20. Denied

21. Denied.

22. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 22, and the same are therefore denied.

23. Denied.

24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 24, and the same are therefore denied.

25. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 25, and the same are therefore denied.

26. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 26, and the same are therefore denied.

27. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 27, and the same are therefore denied.

28. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 28, and the same are therefore denied.

29. Defendant is without knowledge or information sufficient to form a belief as to

the truth of the allegations of Paragraph 29, and the same are therefore denied.

30. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 30, and the same are therefore denied.

31. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 31, and the same are therefore denied.

32. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 33, and the same are therefore denied.

33. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 34, and the same are therefore denied.

34. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 35, and the same are therefore denied.

35. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 35, and the same are therefore denied.

36. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 36, and the same are therefore denied.

37. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 37, and the same are therefore denied.

38. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 38, and the same are therefore denied.

39. Admitted.

40. Denied.

41. Defendant denies the allegations of Paragraph 41, except Defendant admits that it alone provided Plaintiff's counsel with pictures of the allegedly infringing balloons within the

ICA Warehouse, as Trendy Home Goods is a dba for Innova.

42. Denied.

43. Denied.

44. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 44, and the same are therefore denied.

45. Denied.

COUNT 1

(INFRINGEMENT OF U.S. PATENT NO. 8,297,778)

46. Defendant incorporates the foregoing Paragraphs 1 through 45 in this Paragraph 46 as if fully set forth herein.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

51. Denied.

52. Denied.

53. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 53, and the same are therefore denied.

54. Denied.

JURY TRIAL

Defendant admits Plaintiff purports to demand a jury Trial.

GENERAL DENIAL

Defendant denies all allegations not expressly admitted herein.

AFFIRMATIVE DEFENSES FOR EACH AND EVERY CAUSE OF ACTION

FIRST AFFIRMATIVE DEFENSE

The complaint fails to set forth a cause of action upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrines of laches, estoppel, and waiver.

FOURTH AFFIRMATIVE DEFENSE

Defendant is entitled to a set-off against liability to the extent that Plaintiff has received some, but not all, of the compensation to which the law may entitle it.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of unclean hands.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, or recovery of damages precluded, under the *de minimis* doctrine.

SEVENTH AFFIRMATIVE DEFENSE

The Court lacks subject matter jurisdiction over Plaintiff's claims.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff failed to give Defendants timely and proper notice.

NINTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred to the extent Plaintiff failed, refused or neglected to mitigate or avoid the damages complained of in Plaintiff's Complaint, if any.

TENTH AFFIRMATIVE DEFENSE

Plaintiff is not entitled to recover attorneys' fees.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, or recovery of damages precluded, under the doctrines of prior use, first sale or repair, inequitable conduct, patent misuse, or limitation on rights.

WHEREFORE, Defendant demands judgment dismissing the Complaint, with prejudice, and awarding Defendant's costs and disbursements of this action, and such other and further relief as this Honorable Court deems just, equitable and proper.

Dated: October 25, 2018
Glen Cove, New York

Respectfully submitted,



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